

**RESPONSE**

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Serial No.: 09/821,820

Filing Date: 3/29/2001

Attorney Docket No. 100.763US01

Title: OPERATIONS AND MAINTENANCE ARCHITECTURE FOR MULTIPROTOCOL  
DISTRIBUTED SYSTEM

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**REMARKS**

Applicant has reviewed the Final Office Action mailed on December 23, 2005 as well as the art cited. Claims 1-14 are pending in this application.

**Rejections Under 35 U.S.C. § 112**

Claim 7 was rejected under 35 USC § 112, first paragraph, as failing to comply with the written description requirement.

In particular, the Office Action has taken issue with the language "accepting requests for distribution service from multiple tenant service providers, the requests specifying a desired air interface for wireless communication from among a plurality of available air interfaces, and an indication of which portions in the coverage area the particular air interface is to be supported" from claim 7.

Applicants respectfully request reconsideration of this rejection.

As an initial matter, Applicants point out that the text of claim 7 (except for minor amendments to correct informalities) was a part of the specification as originally filed and as such is a part of the disclosure to be analyzed in determining whether the written description requirement has been satisfied. It is respectfully submitted that the text of claim 7 itself combined with, for example, FIGS. 7-8 and related description thereof (which at a minimum describe the communication mechanisms for accepting and, in the case of FIG. 8, not accepting, such requests), would reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, has possession of the claimed invention. In addition, the other portions of the patent application cited in Applicants' response of 31 August 2005 provide further support for the cited language of claim 7. Moreover, it is noted that the "subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement." M.P.E.P., Section 2163.02 (third paragraph).

Accordingly, Applicants respectfully request withdrawal of this rejection.

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*Rejections Under 35 U.S.C. § 102*

Claims 1-2, 5-11 and 14 were rejected under 35 USC § 102(b) as being anticipated by Hamilton-Piercy et al., (U.S. Patent No. 5,802,173).

Applicants respectfully request reconsideration of this rejection. It is respectfully submitted that the Office Action fails to make a prima facie case of anticipation with respect to claim 1 of the present application.

Claim 1 of the present application is as follows (emphasis added):

1. A system comprising:

a first tenant base station operated by a first wireless communication service provider;

a second tenant base station operated by a second wireless communication service provider, and co-located with the first base station; a transport medium interface for converting radio frequency signals transmitted by the first and second base stations and control messages relating thereto to a common transport medium;

a plurality of remotely located radio access nodes, each radio access node associated with a predetermined portion of a total system coverage area, and each radio access node coupled to receive signals from the common transport medium, with each radio access node containing at least a first and second tenant slice module associated with the respective first and second tenant base stations; and

a first tenant network management system operated by the first wireless communication service provider;

a second tenant network management system operated by the second wireless communication service provider;

a common network management system that forwards control messages from the respective tenant network management system to the intended tenant slice modules associated with respective ones of the radio access nodes using the common transport medium.

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The Office Action took the position that the “optically connected microcell system” (OCMS) of Hamilton and the “coaxially connected microcell system” (CCMS) of Hamilton are “a first tenant network management system” and “a second tenant network management system”, respectively, as recited in claim 1 of the present application.

As noted in Applicants’ response of 31 August 2005, the portions of Hamilton cited in the Office Action contain no explanation as to why an “optically connected microcell system” or a “coaxially connected microcell system” is a “network management system” as set forth in claim

1. The cited portions of Hamilton include the following:

As the urban mobile radiotelephony network matures, the ability of a cellular service provider to locate, construct and operate additional conventional RBS sites becomes increasingly difficult and costly. Site access for maintenance purposes, which may be required at any time, also becomes a problem. Finding a site in a building at the desired geometric grid point or desired coverage location does not guarantee success.

Column 3, lines 51-54 (and surrounding context).

The Optically Connected Microcell System (OCMS) or the Coaxially Connected Microcell System (CCMS) to be described is in effect a transparent low loss transmission system between RBS equipment, located at a common equipment site, and mobile radiotelephony units, which enables a much greater separation between radiotelephony mobile and the RBS equipment. Thus a multiplicity of Optically Connected Microcell Base Stations (OCMBS) and/or Coaxially Connected Microcell Base Stations (CCMBS) may be connected to the coaxial or optical fibre cable facilities throughout a community or urban centre to provide radiotelephony services, with the effect of providing virtual radio base stations at multiple sites, even though the radio base stations themselves may be concentrated in only a few, or even a single site.

Column 8, lines 53-67.

In FIG. 1, a fibre optical link 209 is shown connecting the RBS 207 to an Optically Connected Microcell Base Station (OCMBS) 210.

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This remote OCMBS extends the service area of the RBS 207 as described further below so as to enable it to provide a radio link with the mobile 206. Alternatively a coaxial cable transport link 245 to a Coaxially Connected Microcell System (CCMS) could also provide access to a remote location with the appropriate radio interface to the mobile. By using such links to provide locations for what are effectively virtual radio base stations, i.e. locations for what will appear to a mobile transceiver to be the site of a base station, a number of radio base stations can be co-sited or warehoused at a single location or Radio Base Station Warehouse (RBSW) 208, and a multitude of OCMS 210 or CCMS 247 can be interconnected through it to provide radio links to mobiles.

Column 11, lines 30-35 (and surrounding context).

As noted in Applicants' response of 31 August 2005, these cited portions of Hamilton simply do not teach that either the "OCMS" or "CCMS" is a "network management system" as set forth in claim 1. In this regard, Applicants respectfully point out that the "MS" in the acronyms "OCMS" and "CCMS" refers to "microcell system" and not "management system" (as in "NMS").

The outstanding Office Action, in responding to the arguments set forth above, took the position that "[i]n this case, claimed terms "first tenant network management system systems[sic]" and "a second tenant network management systems[sic]", respectively, are systems."

Applicants respectfully traverse such an interpretation of "a first tenant network management system" and "a second tenant network management system" as recited in claim 1. The Office Action contains no explanation as to why the words "network management" should be ignored in interpreting the term "network management system". That is, the interpretation set forth in the Office Action effectively deletes the words "network management" from the term "network management system" as recited in claim 1. This is improper since all words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

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Furthermore, it is respectfully submitted that the term "network management system" has an ordinary and customary meaning to one of ordinary skill in the art that is clearly different from a "microcell system" (for example, reflecting the difference between an entity doing the management and an entity or entities that are to be managed). Indeed, Hamilton states that the "Optically Connected Microcell System (OCMS) or the Coaxially Connected Microcell System (CCMS) to be described is in effect a transparent low loss transmission system between RBS equipment, located at a common equipment site, and mobile radiotelephony units, which enables a much greater separation between radiotelephony mobile and the RBS equipment." Hamilton, column 8, lines 53-59.

Accordingly, Applicants respectfully request that the rejection of claim 1 be withdrawn.

Claims 2, 5 and 6 all ultimately depend from claim 1 and the arguments set forth above with respect to claim 1 above. Therefore, for at least the reasons set forth above with respect to claim 1, it is respectfully requested that the rejection of these claims be withdrawn.

The Office Action rejected independent claims 7 and 10 using the same rationale as claim 1. Also, claims 8-9 depend from claim 7 and claims 11 and 14 depend from 10. Accordingly, it is respectfully submitted that at least the arguments set forth above with respect to claim 1 apply to these claims as well. Therefore, it is respectfully requested that the rejection of claims 7-10, 11, and 14 be withdrawn.

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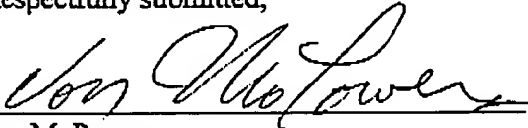
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**CONCLUSION**

Applicants respectfully submit that claims 1-14 are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at 612-455-1681.

Respectfully submitted,

Date: 2/23/2006  
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